

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
FEBRUARY 4, 2019**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe on February 4, 2019, at 7:00 p.m., in the Council Chambers of the Borough Office, 124 South State Street.

The meeting began with a moment of silence which was followed by the Pledge of Allegiance.

In attendance in addition to the President were Vice President Thomas Reinhold, President Pro Tem Melvin Weiler, Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard, Greg Zimmerman and Mayor Ralph Mowen.

Also in attendance were Borough Manager, D. Robert Thompson, Police Chief William Harvey and Borough Solicitor James R. McManus, III, Esq.

Visitors included:

- Teresa Caruthers, 229 Railroad Avenue, Ephrata
- Tim Auker, 542 N. State Street, Ephrata

Opportunity for Citizens to be Heard

A brief time was provided for citizen comments and/or remarks; in which, no one in attendance approached the podium.

Discussion of Committee Actions

Budget and Finance Committee

Vice President Reinhold advised the Committee discussed proposed Resolution 2019-1, concerning the disposition of Borough records. All records will be disposed of according to guidelines established by the PA Historic and Museum Commission Bureau of Archives & History approved December 16, 2008. The Committee will recommend adoption of this resolution as part of the consent agenda at the February Council meeting.

Vice President Reinhold advised the Committee discussed proposed Resolution 2019-2, exonerating the Borough from paying real estate taxes on various Borough properties. The Committee will recommend adoption of this resolution as part of the consent agenda at the February Council meeting.

Vice President Reinhold advised the Committee discussed adding the electric costs for the Winter's Memorial to the Borough-paid Free Electric list of properties. The Borough already provides free electric to the EDO for their office at the Railroad Station, so the Committee is recommending that the Winter's Memorial electric bill be added to the list of Borough-paid Free Electric properties effective December 3, 2018.

Development Activities Committee

Mr. Weiler advised the Committee reviewed the annual professional services agreement with HRG. HRG provides review services for Subdivision and Land Development and Stormwater Management. The Committee will recommend that Borough Council execute the annual agreement with HRG for 2019 at the February Council meeting and authorize the President of Borough Council and the Borough Secretary to execute the agreement subject to it being in a form acceptable to the Borough Solicitor.

Mr. Weiler advised the Committee reviewed a request from 1111 State Street LP to release financial security for the land development improvements associated with the construction of a new commercial building at South State Street and Rothsville Road. The improvements have been inspected and approved. The Committee will recommend that Borough Council release the remaining amount of \$8,391.00 at the February meeting. This will appear on the consent agenda.

Mr. Weiler advised the Committee reviewed a Stormwater Management Plan Consulting Services Agreement from Harbor Engineering, Inc. The agreement, in the amount of \$11,200, is for stormwater design services associated with a proposed Borough-owned salt storage building. The salt storage building will be located near the intersection of Church Avenue and Wenger Drive and due to the footprint of the building and additional paving, it will need a stormwater management plan. The Committee will recommend that Borough Council authorize the Borough Manager to execute the Stormwater Management Plan Consulting Services Agreement with Harbor Engineering for the salt storage project at the February meeting subject to it being in a form acceptable to the solicitor.

Mayor Mowen inquired if this project is in addition to or is replacing current facilities; in which, Mr. Thompson responded that it will be replacing the current structure. Mr. Thompson further advised that a replacement project has been a budget item for the last decade; but in recent years, with the MS4 Program and the pollution reduction associated with salt storage, it is now a much higher priority. Mr. Thompson advised the location of the structure will be on the corner of the Wenger farm property.

Public Safety Committee

Mr. Ressler advised the Committee discussed and will recommend that Borough Council adopt Resolution 2019-3 adopting the 2019 Lancaster County Hazard Mitigation Plan.

Ms. Martin inquired about a Hazard Mitigation Grant Program Project that was referenced in an email included within the meeting packet; in which, Mr. Ressler advised there is no grant money involved in adopting the mitigation plan itself. Mr. Thompson clarified without adopting the plan, the Borough would not be eligible for any future grant money.

Mr. Ressler advised the Public Safety Committee held a special public meeting on Thursday, January 24, 2019, where the Pioneer Fire Company made a presentation laying out the difficulties and problems that are developing due to the lack of funding, the lack of volunteers as well as the infrastructure not being kept up with the needs of today. Mr. Ressler advised this matter will be further discussed at Committee meetings along with the possibility of conducting a study to establish remedies and recommendations.

Highway Committee

Mr. Barr advised the Highway Committee reviewed a request from Kim Malmer received October 2, 2018 via e-mail and heard details about this 5th annual event from Mark Malmer to use various streets in the Lincoln Heights section of the Borough to conduct a Benefit 5K & 10K race event and fun run of a mile or less on Saturday, March 30, 2019. The race route is

comparable to the route used in 2018 and the 10K route is the 5K route run twice. There will be signs and volunteers at each intersection to direct runners and help with traffic control. The Committee will recommend that Borough Council conditionally approve the request subject to Chief Harvey's approval and Borough receipt of a satisfactory certificate of insurance naming Ephrata Borough as additional insured at their February 11, 2019 meeting.

Mr. Barr advised the Highway Committee reviewed a January 4, 2019 request from the Ephrata Recreation Center to conduct the 2nd Annual Memorial Day 5K Race utilizing various streets in the Lincoln Heights section of the Borough on Monday, May 27, 2019 beginning at 8:00 AM. Maria Rotella, Program Assistant with the Rec Center, was present to discuss the event and answer questions. Profits from this event benefit the Rec Center youth programs. The course will be open to traffic and Rec Center employees and volunteers will be present to assist the runners and provide traffic control. Maria has discussed this event with Chief Harvey and he approves of the event as planned. The Committee will recommend that Borough Council conditionally approve the request subject to pre-race notification to impacted residents within the Lincoln Heights area and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured at their February 11, 2019 meeting.

Mr. Barr advised the Highway Committee reviewed a disposition of asset request regarding disposal of a vehicle. The specified vehicle is a 2003 Ford Explorer, VIN #1FMZU72KX3UC00279, approximately 82,500 miles with an estimated value of \$1,000. The value of the vehicle may be less than expected due to anticipated repairs necessary to maintain said vehicle in operational condition. The method of disposal regarding Borough title transfer to the Ephrata Borough Authority with subsequent donation to the Ephrata Recreation Center was discussed. The Committee will recommend that Borough Council approve this disposition of asset at their February 11, 2019 meeting and authorize staff to transfer title to the 2003 Ford Explorer, VIN #1FMZU72KX3UC00279 to the Ephrata Borough Authority.

Mr. Barr advised the Highway Committee reviewed an Ordinance to amend the Code of the Borough of Ephrata, Chapter 305, Vehicles and Traffic, Section 305-100, Schedule XVII: Parking Prohibited at all Times, by adding thereto the north side of West Locust Street between Park Avenue and Spruce Alley. The Committee will recommend that Borough Council enact Ordinance No. 1545 at their February 11, 2019 meeting.

Mr. Barr advised the Highway Committee reviewed a letter dated January 2019 from Ben Lee, Regional Director for Make-A-Wish Philadelphia, Delaware & Susquehanna Valley requesting to travel through the Borough of Ephrata with their 30th Annual Mother's Day Convoy on Sunday, May 12, 2019. Make-A-Wish Philadelphia, Delaware & Susquehanna Valley has provided the required certificate of insurance. Chief Harvey has no concerns regarding this annual event as long as Make-A-Wish Philadelphia, Delaware & Susquehanna Valley coordinates Police and Ham Radio operators as they have in previous events. The Committee will recommend that Borough Council conditionally approve the request at their February 11, 2019 meeting subject to Borough Solicitor review and approval of the organizer's Event Permit and Indemnification Agreement. This item will appear on the Consent Agenda.

President Rowe inquired if Mr. Barr wished to discuss any part of the discussion the Highway Committee had in reference to parking restrictions that were tabled at the previous Council meeting. Mr. Ressler advised the matter was tabled due to the concern of the citizen not having the proper 90-day preliminary trial period; however, the Resolution will be coming forward to Council with no changes after a proper 90-day preliminary trial period has passed.

Municipal Enterprises Committee

Mr. Richard advised the Municipal Enterprises Committee discussed a request, from Blue Lake Builders, to release the remaining financial security for sewer improvements in the amount of \$35,467 for the Clay School Apartments development in Clay Township. This action is typically authorized by the Ephrata Borough Authority however the improvement agreement is in the name of the Borough. The Ephrata Borough Authority will be asked to conditionally approve the reduction subject to approval by the Borough. The Committee will recommend that Borough Council authorize a reduction in the security deposit at their February 11, 2019 meeting.

Mr. Richard advised the Municipal Enterprises Committee reviewed proposed changes to the Borough's Technical Requirements for Customer Owned Generation. The changes are related to the annual true up process and reduce the distribution charge for energy received by the Borough in excess of the amount of energy purchased from the Borough. The Committee supports the proposed changes and will recommend that Borough Council adopt a resolution to amend the Borough's Technical Requirements for Customer Owned Generation at the February 11, 2019 meeting.

Mr. Thompson explained that the current policy limits the amount of energy to be purchased from a net energy generator and to offset the amount of energy that is purchased from the Borough. Mr. Thompson gave an example of if 20 kilowatts is generated, but only 10 kilowatts have been purchased, they are only eligible to offset 10 and the remaining 10 still come to our distribution system that the Borough essentially gets at no charge. Additionally, Mr. Thompson advised the current policy charges the solar generator for 20 units of distribution system; whereas, the proposed changes limit the amount of distribution charge to the customer to the amount that the customer actually consumes. Furthermore, because the Borough was getting energy at no cost when it comes back to our system, we would not be charging the generator for distribution charges for the amount of energy that we are getting at no cost.

Mr. Richard advised the Municipal Enterprises Committee reviewed the following documents associated with assigning the rights to the solar project, TPE Pennsylvania Solar 1, LLC, to a new owner:

- Collateral Assignment of Lease Agreement
- Landlord's Release and Waiver Agreement
- Lease Estoppel Certificate
- PPA Consent to Assignment
- Second Amendment to the Lease Agreement

The Committee will recommend that Borough Council authorize the President of Borough Council and the Borough Secretary to execute the documents subject to a form acceptable to the

Borough's energy attorney, McNees, Wallace and Nurick, LLC at their February 11, 2019 meeting.

Mr. Thompson advised that the Borough Solicitor, who also reviewed the documents as they were within the meeting packet, recognized two changes that he brought to the attention of McNees, Wallace and Nurick, LLC, earlier on this date. Solicitor McManus advised he noticed in the proposed assignment there was some language relating to the prospects of liens being filed by virtue of the agreement. Solicitor McManus further advised as a matter of law in Pennsylvania, you cannot lien municipal property and you cannot have another entity have an ownership interest in public land. Solicitor McManus advised some of the language may have been "boiler plate assignment" language; therefore, he made contact with McNees, Wallace and Nurick, LLC, to advise them of his concerns.

Solicitor McManus advised as a result of his conversation, the following amendments have been made to the agreement: (1) removing referencing language regarding North Carolina law and adding referencing language regarding Pennsylvania law; and, (2) the addition of language which specifically addressed the qualifications of the building file liens.

Mr. Thompson advised the revised document will be included in the Council meeting packet for next week's Voting Session.

Community Services Committee

Ms. Martin advised the Community Services Committee reviewed the Warwick to Ephrata Rail Trail application for trail use through multiple municipalities. The Warwick Recreation Center will maintain a calendar of all requests for trail use through multiple municipalities as well as those for use in only one municipality. This will ensure there aren't any conflicts in booking. Once all information is received the Committee will recommend approval at the February meeting.

Ms. Martin further advised there is a little bit of language change to be made on the application as well as taking a further look into where the \$25 Application Fee and \$75 Approval Fee monies will go. Ms. Martin additionally advised this is an effort to streamline and consolidate all of the requests received for use of the trail so there is no overlapping and/or no conflicts.

Mr. Ressler further advised under this application, events will be limited to Sunday's only as well as the trail will remain open for public use during all events.

Ms. Martin advised the Community Services Committee reviewed the application from St. Boniface for an Amazing St. BoniRace benefiting Camp No Limits. The Committee will recommend the race concept be approved with the following conditions: confirmation of the date of the event, all race participants must sign waivers and have safety briefing, a media release for public awareness and the final course must be reviewed and approved by Chief Harvey.

Ms. Martin advised the Community Services Committee reviewed the 2019 Cultural Arts Grant proposed awards. The Committee will recommend approval of the following awards at the February Council meeting:

Ephrata Public Library	\$3,000
EPAC	\$1,800
Ephrata Concert Band	\$2,000
Ephrata Cloister Associates	\$850
Historical Society	\$950
Ephrata Rec Center	\$1,200
Eicher Arts Center	\$700

Special Projects Committee

President Rowe advised the Special Projects Committee did not hold a meeting in January.

Opportunity for Citizens to be Heard

A brief time was provided for citizen comments and/or remarks; in which, no one in attendance approached the podium.

Discussion/Announcements

Mr. Barr advised he stopped by Mr. Shirker's property, 741 N. Maple Street, to view the reported ice flow issue. Mr. Barr advised he observed the issue; however, he did not observe water flowing at that time. Mr. Barr advised he will return to the residence when the temperatures are warmer for further observation.

Mr. Richard advised he also stopped by Mr. Shirker's property this past Saturday and viewed the icy area on the sidewalk as well as on the road. Mr. Richard advised he believes the matter should be looked at by the Borough for resolution.

Mr. Richard advised he had some concerns regarding McNeese, Wallace & Nurick, LLC, making the mistakes that were pointed out by Solicitor McManus. Mr. Richard further inquired as to why the Borough is paying for the services of both McNeese, Wallace & Nurick, LLC, and the Borough Solicitor to review the same document(s) causing taxpayers to pay two attorney fees to complete the same task. Mr. Richard advised he would like to add this as a discussion topic to next month's Budget & Finance Committee meeting agenda.

Vice President Reinhold announced the Personnel Committee will be having a closed meeting immediately following this evening's Work Session.

Mr. Ressler advised he also stopped at Mr. Shirker's property to view the reported icy area. Mr. Ressler further advised he would like to see staff observe the area and address any issues they can.

Mr. Weiler advised he drives by Mr. Shirker's property on a regular basis and he thought "it was a nice winter scene hanging out over the sidewalk." Mr. Weiler further stated, "While it looks decorative, I am sure there are safety hazards."

Mayor Mowen advised over this past week there were two water main breaks within the Borough. Mayor Mowen advised he stopped at the one break on West Main Street and stated,

“... it was brutal!” Mayor Mowen advised when he stopped at the area, the second work crew was on scene as the first crew had started at 2:00 a.m. in the morning when the main broke. Mayor Mowen advised he gave each of the crew members an “attaboy” and told them, “... they are the best!” Mayor Mowen advised the crews could not shut the water off because it would freeze in the hole so they had to keep the water running in the hole and pumping it out. Mayor Mowen further stated, “... it was a nasty, nasty day and operation ... and we’re very thankful to have the crews we have that get out in any weather and do yeoman’s jobs to get things fixed.” Mayor Mowen requested Mr. Auker pass along to all of Public Works that they did a good job. Mayor Mowen concluded by stating, “... we have a great bunch of individuals out there who we can be proud of.”

Chief Harvey stated (referencing the extreme temperatures and snow removal), “... we have nothing but compliments regarding the snow removal in the Borough.” Chief Harvey advised the new salt brine is exquisite and he actually has had people call him to inquire about the product.

President Rowe advised, regarding the pretreatment of the roads, she told her husband, “... we need to buy some of that” as the results were impressive. Mr. Auker advised the brine is very easy to make as it is only the right combination of water and salt. Additionally, Mr. Thompson stated, “... if you happen to have an excess amount of beet juice, that is also effective.”

Mr. Thompson advised President’s Day is Monday, February 18th; therefore, Committee Meetings normally held on that date will now be held on Tuesday, February 19th at their respective times.

President Rowe advised after hearing the discussions from last month, she has changed the schedule of this year’s “Municipal Moments” starting with next week’s presentation being an update on the solar project and the benefits to the Borough by Mr. Thompson. Additionally, President Rowe thanked Ms. Martin for bringing the suggestion to her attention.

President Rowe advised she hoped everybody had a chance to look at their PSAB Annual Conference booklet and stated, “... we have a celebrity amongst us.” President Rowe further advised that Mr. Richard’s picture is on page 8 of the booklet and she has already gotten his autograph.

President Rowe congratulated Marylouise Sholly, *The Ephrata Review*, for the recent publication of her children’s book.

Adjournment

It was moved by Mr. Barr and seconded by Ms. Martin to adjourn. The meeting was adjourned.

D. Robert Thompson, Secretary